

What You Should Know About Getting Towed

consumer**brief**

The amended Predatory Towing Prevention Act became effective in New Jersey on April 15, 2009. The amended Act regulates tows from private property, and tows initiated by law enforcement, without the prior consent of the vehicle's owner or operator.

TOWING FROM PRIVATE PROPERTY

Unattended cars cannot be towed from private parking lots, unless:

- There is a sign posted at vehicular entrances to the property stating:
 - 1) The purposes for which parking is authorized;
 - 2) The times when parking is permitted;
 - 3) That unauthorized parking is prohibited and unauthorized vehicles will be towed at the owner's expense;
 - 4) The name of, and contact information for, the towing company and the address of the storage facility—which must be secure and located within a reasonable distance of the property—to which the vehicle will be towed;
 - 5) The charges for towing and storage and the times during which the vehicle may be redeemed; and
 - 6) Contact information for the Division of Consumer Affairs (1-800-242-5846, prompt #4.)
- The property owner and the towing company have a contract for the towing and the property owner has authorized the towing company to remove the particular vehicle.

- The requirements do not apply to a single-family home or an owner-occupied multi-unit structure, and the signage requirements are different for a residential community with clearly-marked assigned spaces for residents.

TOWING AND STORAGE CHARGES

The towing company's fees must be reasonable.

A reasonable fee is considered one that is no more than 25% greater than the company's fee for the same consensual (vehicle owner approved) towing services or no more than 50% above the fees charged by other towing companies in the community for the same towing services without the vehicle owner's permission.

Towing and storage charges cannot exceed rates set by town ordinance.

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VEHICLE STORAGE

The Act requires that after a vehicle is towed:

- The vehicle must be stored in a secure facility;
- The facility's business office must be open to the public between 8 a.m. and 6 p.m. at least five days a week; and
- A towing company must make reasonable accommodation for after-hours release of stored vehicles. The towing company may charge for after-hours release.

UNLAWFUL PRACTICES FOR TOWING COMPANIES

The Act prohibits towing companies from the following:

- Failing to release a vehicle hooked or lifted, but not actually removed from private property, upon request of the vehicle's owner;
- Trolling (cruising) for vehicles parked without authorization;

- Paying for information about vehicles parked without authorization;
- Refusing to accept an insurance company check or a debit card, charge card, credit card or check for towing or storage services, if the towing company ordinarily accepts such payment at its place of business;
- Charging for a towing or storage service not on the Division's schedule of services;
- Charging an unreasonable or excessive fee.

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